



## HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - Appeal pursuant to Chapter 34.05 RCW

North Puget Sound  
16018 Mill Creek Boulevard  
Mill Creek, WA 98012-1296  
(425) 775-1311

Issue Date: April 03, 2007

Control Number: 108588-1

Project Expiration Date: April 02, 2012

FPA/Public Notice #: N/A

<u>PERMITTEE</u>	<u>AUTHORIZED AGENT OR CONTRACTOR</u>
Kirkland City Of Parks & Recreation ATTENTION: Jason Filan 123 Fifth Avenue Kirkland, WA 98033 425-587-3341 Fax: 425-587-3902	

Project Name: maintenance of city owned piers

Project Description: Replacement of solid surface decking with grating on an as-needed basis.  
Removal of skirting boards at Juanita Beach park dock as they deteriorate.

### PROVISIONS

1. **TIMING LIMITATIONS:** The project may begin April 10, 2007 and shall be completed by April 2, 2012; Provided: Work below the ordinary high water line (OHWL) shall only occur between July 16 and September 30 of each year, with the exception of a trash removal operation in April 2007.
2. **NOTIFICATION REQUIREMENT:** The Area Habitat Biologist (AHB) listed below shall receive written notification (email, FAX or mail) from the person to whom this Hydraulic Project Approval (HPA) is issued (permittee) or the agent/contractor no less than three working days prior to the start of construction activities. The notification shall include the permittee's name, project location, starting date for work, and the control number for this HPA.
3. Work shall be accomplished per plans and specifications approved by the Washington Department of Fish and Wildlife and described in the JARPA application.
4. Removal of existing structures shall be accomplished so the structure and associated material does not re-enter the lake.
5. All waste material such as construction debris, silt, excess dirt or overburden resulting from this project shall be deposited above the limits of flood water in an approved upland disposal site.
6. All treated wood shall be professionally treated and completely cured prior to installation below the ordinary high water line to minimize leaching into the water or substrate. The use of wood treated with creosote or pentachlorophenol is not authorized.
7. All lumber to be used for the project shall meet or exceed the standards established in 'Best Management Practices For the Use of Treated Wood in Aquatic Environments' developed by the Western Wood Preservers Institute, dated July 1996.
8. Wooden components that will be in contact with the water shall not contain creosote or pentachlorophenol. This shall include pilings, beams, structural supports, and decking. These components shall remain free of these toxic substances for the duration of their functional lives.



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9. All trash and unauthorized fill, including concrete blocks or pieces, bricks, asphalt, metal, treated wood, glass, and paper, below the OHWL in and around the applicant's project area shall be removed and deposited above the limit of flood water in an approved upland disposal site.

10. All work operations shall be conducted in a manner that causes little or no siltation to adjacent areas.

11. Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into the lake.

12. Skirting or other structures shall not be constructed around the pier, dock, or float.

13. If at any time, as a result of project activities, fish are observed in distress, a fish kill occurs, or water quality problems develop (including equipment leaks or spills), immediate notification shall be made to the Washington Department of Ecology at 1-800-258-5990, and to the Area Habitat Biologist listed below.

### PROJECT LOCATIONS

#### Location #1 Houghton Beach Park

WORK START: April 10, 2007				WORK END: April 02, 2012		
WRIA: 08.6007		Waterbody: Lake Washington			Tributary to: Ship Canal	
1/4 SEC: NE 1/4	Section: 18	Township: 25 N	Range: 05 E	Latitude: N 47.66079	Longitude: W 122.20744	County: King
Location #1 Driving Directions						

#### Location #2 Marsh Park

WORK START: April 10, 2007				WORK END: April 02, 2012		
WRIA: 08.6007		Waterbody: Lake Washington			Tributary to: Ship Canal	
1/4 SEC: SE 1/4	Section: 07	Township: 25 N	Range: 05 E	Latitude: N 47.66543	Longitude: W 122.20786	County: King
Location #2 Driving Directions						



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### Location #3 David Brink Park

<b>WORK START:</b> April 10, 2007				<b>WORK END:</b> April 02, 2012			
<u>WRIA:</u> 08.6007		<u>Waterbody:</u> Lake Washington			<u>Tributary to:</u> Ship Canal		
<u>1/4 SEC:</u> NE 1/4	<u>Section:</u> 08	<u>Township:</u> 25 N	<u>Range:</u> 05 E	<u>Latitude:</u> N 47.66543	<u>Longitude:</u> W 122.20786	<u>County:</u> King	
<u>Location #3 Driving Directions</u>							

### Location #4 Marina Park

<b>WORK START:</b> April 10, 2007				<b>WORK END:</b> April 02, 2012			
<u>WRIA:</u> 08.6007		<u>Waterbody:</u> Lake Washington			<u>Tributary to:</u> Ship Canal		
<u>1/4 SEC:</u> NE 1/4	<u>Section:</u> 08	<u>Township:</u> 25 N	<u>Range:</u> 05 E	<u>Latitude:</u> N 47.47530	<u>Longitude:</u> W 122.20954	<u>County:</u> King	
<u>Location #4 Driving Directions</u>							

### Location #5 Waverly Beach Park

<b>WORK START:</b> April 10, 2007				<b>WORK END:</b> April 02, 2012			
<u>WRIA:</u> 08.6007		<u>Waterbody:</u> Lake Washington			<u>Tributary to:</u> Ship Canal		
<u>1/4 SEC:</u> NE 1/4	<u>Section:</u> 06	<u>Township:</u> 25 N	<u>Range:</u> 05 E	<u>Latitude:</u> N 47.62662	<u>Longitude:</u> W 122.21716	<u>County:</u> King	
<u>Location #5 Driving Directions</u>							

### Location #6 Juanita Beach Park

<b>WORK START:</b> April 10, 2007				<b>WORK END:</b> April 02, 2012			
<u>WRIA:</u> 08.6007		<u>Waterbody:</u> Lake Washington			<u>Tributary to:</u> Ship Canal		
<u>1/4 SEC:</u> NE 1/4	<u>Section:</u> 31	<u>Township:</u> 26 N	<u>Range:</u> 05 E	<u>Latitude:</u> N 47.70393	<u>Longitude:</u> W 122.21800	<u>County:</u> King	
<u>Location #6 Driving Directions</u>							



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### Location #7 Juanita Bay Park

WORK START: April 10, 2007				WORK END: April 02, 2012		
WRIA: 08.6007		Waterbody: Lake Washington			Tributary to: Ship Canal	
1/4 SEC: NE 1/4	Section: 31	Township: 26 N	Range: 05 E	Latitude: N 47.69985	Longitude: W 122.21069	County: King
<u>Location #7 Driving Directions</u>						

### Location #8 Settler's Landing

WORK START: April 10, 2007				WORK END: April 02, 2012		
WRIA: 08.6007		Waterbody: Lake Washington			Tributary to: Ship Canal	
1/4 SEC: SE 1/4	Section: 07	Township: 25 N	Range: 05 E	Latitude: N 47.66698	Longitude: W 122.20758	County: King
<u>Location #8 Driving Directions</u>						

### Location #9 2nd Avenue Right of Way

WORK START: April 10, 2007				WORK END: April 02, 2012		
WRIA: 08.6007		Waterbody: Lake Washington			Tributary to: Ship Canal	
1/4 SEC: NE 1/4	Section: 07	Township: 25 N	Range: 05 E	Latitude: N 47.67347	Longitude: W 122.20653	County: King
<u>Location #9 Driving Directions</u>						

### APPLY TO ALL HYDRAULIC PROJECT APPROVALS

This Hydraulic Project Approval pertains only to those requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW (formerly RCW 77.20). Additional authorization from other public agencies may be necessary for this project. The person(s) to whom this Hydraulic Project Approval is issued is responsible for applying for and obtaining any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.

This Hydraulic Project Approval shall be available on the job site at all times and all its provisions followed by the person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work.



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This Hydraulic Project Approval does not authorize trespass.

The person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work may be held liable for any loss or damage to fish life or fish habitat that results from failure to comply with the provisions of this Hydraulic Project Approval.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day and/or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All Hydraulic Project Approvals issued pursuant to RCW 77.55.021 (EXCEPT agricultural irrigation, stock watering or bank stabilization projects) or 77.55.141 are subject to additional restrictions, conditions or revocation if the Department of Fish and Wildlife determines that new biological or physical information indicates the need for such action. The person(s) to whom this Hydraulic Project Approval is issued has the right pursuant to Chapter 34.04 RCW to appeal such decisions. All agricultural irrigation, stock watering or bank stabilization Hydraulic Project Approvals issued pursuant to RCW 77.55.021 may be modified by the Department of Fish and Wildlife due to changed conditions after consultation with the person(s) to whom this Hydraulic Project Approval is issued: PROVIDED HOWEVER, that such modifications shall be subject to appeal to the Hydraulic Appeals Board established in RCW 77.55.301.

### APPEALS INFORMATION

If you wish to appeal the issuance or denial of, or conditions provided in a Hydraulic Project Approval, there are informal and formal appeal processes available.

**A. INFORMAL APPEALS (WAC 220-110-340) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.021, 77.55.141, 77.55.181, and 77.55.291:** A person who is aggrieved or adversely affected by the following Department actions may request an informal review of:

(A) The denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval; or

(B) An order imposing civil penalties. A request for an INFORMAL REVIEW shall be in WRITING to the Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091 and shall be RECEIVED by the Department within 30 days of the denial or issuance of a Hydraulic Project Approval or receipt of an order imposing civil penalties. If agreed to by the aggrieved party, and the aggrieved party is the Hydraulic Project Approval applicant, resolution of the concerns will be facilitated through discussions with the Area Habitat Biologist and his/her supervisor. If resolution is not reached, or the aggrieved party is not the Hydraulic Project Approval applicant, the Habitat Technical Services Division Manager or his/her designee shall conduct a review and recommend a decision to the Director or his/her designee. If you are not satisfied with the results of this informal appeal, a formal appeal may be filed.

**B. FORMAL APPEALS (WAC 220-110-350) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.021 (EXCEPT agricultural irrigation, stock watering or bank stabilization projects) or 77.55.291:**

A person who is aggrieved or adversely affected by the following Department actions may request a formal review of:

(A) The denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval;

(B) An order imposing civil penalties; or

(C) Any other 'agency action' for which an adjudicative proceeding is required under the Administrative Procedure Act, Chapter 34.05 RCW.

A request for a FORMAL APPEAL shall be in WRITING to the Department of Fish and Wildlife HPA Appeals Coordinator, shall be plainly labeled as 'REQUEST FOR FORMAL APPEAL' and shall be RECEIVED DURING OFFICE HOURS by the Department at 600 Capitol Way North, Olympia, Washington 98501-1091, within 30-days of the Department action that is being challenged. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within 30-days of the date of the Department's written decision in response to the informal appeal.



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C. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.021 (agricultural irrigation, stock watering or bank stabilization only), 77.55.141, 77.55.181, or 77.55.241: A person who is aggrieved or adversely affected by the denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval may request a formal appeal. The request for FORMAL APPEAL shall be in WRITING to the Hydraulic Appeals Board per WAC 259-04 at Environmental Hearings Office, 4224 Sixth Avenue SE, Building Two - Rowe Six, Lacey, Washington 98504; telephone 360/459-6327.

D. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO CHAPTER 43.21L RCW: A person who is aggrieved or adversely affected by the denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval may request a formal appeal. The FORMAL APPEAL shall be in accordance with the provisions of Chapter 43.21L RCW and Chapter 199-08 WAC. The request for FORMAL APPEAL shall be in WRITING to the Environmental and Land Use Hearings Board at Environmental Hearings Office, Environmental and Land Use Hearings Board, 4224 Sixth Avenue SE, Building Two - Rowe Six, P.O. Box 40903, Lacey, Washington 98504; telephone 360/459-6327.

E. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS results in forfeiture of all appeal rights. If there is no timely request for an appeal, the department action shall be final and unappealable.

ENFORCEMENT: Sergeant Chandler (34) P3

Habitat Biologist  
Alisa Bieber

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425-649-1349

for Director  
WDFW

CC: